

CHRISTOPHER J. KERLEY, WSBA #16489  
Evans, Craven & Lackie, P.S.  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
Telephone: (509) 455-5200  
Fax: (509) 455-3632  
[ckerley@ecl-law.com](mailto:ckerley@ecl-law.com)

*Among Attorneys for Defendants*

D. R. (ROB) CASE, WSBA #34313  
City Attorney  
City of Selah  
115 West Naches Avenue  
Selah, WA 98942  
Telephone: (509) 698-7330  
Facsimile: (509) 698-7338  
Email: [Rob.Case@selahwa.gov](mailto:Rob.Case@selahwa.gov)

*Among Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SELAH ALLIANCE FOR  
EQUALITY; COURTNEY  
HERNANDEZ; REV. DONALD  
DAVID JR.; LAURA PEREZ, ANITA  
CALLAHAN; KALAH JAMES,  
CHARLOTTE TOWN; AMANDA  
WATSON; and ANNA WHITLOCK,

Plaintiffs,

v.

CITY OF SELAH; SHERRY  
RAYMOND, in her official capacity as  
Mayor of the City of Selah; and  
DONALD WAYMAN, in his official  
capacity as City Administrator for the  
City of Selah,

Defendants.

Case No. 1:20-cv-03228-RMP

**DECLARATION OF DEFENSE  
ATTORNEY, D. R. (ROB) CASE  
IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

DECLARATION OF DEFENSE ATTORNEY, D. R. (ROB)  
CASE - 1  
(No. 1:20-cv-03228-RMP)

ATTORNEY D. R. (ROB) CASE  
CITY ATTORNEY  
CITY OF SELAH  
115 WEST NACHES AVE.  
SELAH, WA 98942

1 I, D. R. (ROB) CASE, do hereby declare and state as follows:

2 1. I am over the 18 of age and fully competent.

3 2. In all regards, this Declaration is based on my personal knowledge.

4 3. I am currently a direct employee of the city Selah, serving as its City  
5 Attorney. During prior relevant times, I was an independent contractor for the city  
6 and at that time my position was referred to as "Municipal Attorney". I started  
7 serving as Municipal Attorney on September 11, 2019, and I became the City  
8 Attorney on April 1, 2021.

9 4. In reliance on a Declaration by one of their attorneys, the plaintiffs  
10 contend – repeatedly – that the city supposedly "has abandoned its permit process  
11 altogether" for signs. *See e.g.*, ECF No.29, p.3, lns.2-3, p.8, lns.22-23 & p.17,  
12 lns.11-14. The supporting Declaration – by attorney Joseph Cutler – claims that I  
13 made a statement to this effect during a recent videoconference with plaintiffs'  
14 counsel. *See* ECF No.26, "Declaration of Joseph Cutler", p.3, lns.11-13. I did not  
15 make such a statement. I made no representations about the city supposedly  
16 abandoning its permit process. In fact, the city has not abandoned its permit process.

17 5. In October 2020 – which was six months prior to plaintiffs filing their  
18 motion, and two months before they filed this lawsuit – I informed plaintiffs' counsel  
19 in writing that no violations would be imposed under the now-known-to-be  
20 unconstitutional SMC 10.38.050, that the city would leave the plaintiffs' signs alone

DECLARATION OF DEFENSE ATTORNEY, D. R. (ROB)  
CASE - 2  
(No. 1:20-cv-03228-RMP)

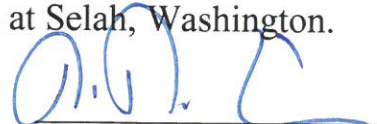
ATTORNEY D. R. (ROB) CASE  
CITY ATTORNEY  
CITY OF SELAH  
115 WEST NACHES AVE.  
SELAH, WA 98942

1 for the time being, that the city's sign code would be amended in 2021 (which it will  
2 be), and thus that "there is no need for a rushed court challenge" as to such dead-  
3 letter code section. *See* ECF No.29-13, "Exhibit L" to ECF No.29 (letter by myself,  
4 dated 10/28/20) & "Exhibit A" hereto (letter by myself, dated 10/15/20).

5 6. Also during October 2020, the plaintiffs' attorneys "demand[ed]" that  
6 the city "instruct[]" all its staff, including Mr. Wayman, to cease and desist taking  
7 SAFE signs at least until [the City Attorney] and [plaintiffs' counsel] have had a  
8 chance to fully address the issues". *See* "Exhibit B" hereto (letter by plaintiffs'  
9 counsel, dated 10/16/20) (bracketed changes made). On behalf of the city, I did  
10 precisely that. *See* "Exhibit C" hereto (email by myself to city staff, dated 10/20/20).

11 Under penalty of perjury, the foregoing is true and correct to best of my  
12 recollection and knowledge.

13 DATED this 12<sup>th</sup> day of May, 2021, at Selah, Washington.

14 

15 D. R. (ROB) CASE (WSBA #34313)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2021, I caused the foregoing pleading to be electronically filed with the Clerk of the Court via the CM/ECF System, which will effectuate service of a copy of such pleading upon each of the attorneys of record including:

Carolyn Gilbert, WSBA #51285  
Joseph P. Cutler, WSBA #37234  
Reina Almon-Griffin, WSBA #54651  
Jane E. Carmody, WSBA #55409  
Roxanne Degens, WSBA #57351  
**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: (206) 358-800  
Facsimile: (206) 359-900  
Emails: [CarolynGilbert@perkinscoie.com](mailto:CarolynGilbert@perkinscoie.com)  
[JCutler@perkinscoie.com](mailto:JCutler@perkinscoie.com)  
[RAlmon-Griffin@perkinscoie.com](mailto:RAlmon-Griffin@perkinscoie.com)  
[RDegens@perkinscoie.com](mailto:RDegens@perkinscoie.com)

*Among Attorneys for Plaintiffs*

Antoinette M. Davis, WSBA #29821  
Nancy Talner, WSBA #11196  
Crystal Pardue, WSBA #54371  
**American Civil Liberties Union of  
Washington Foundation**  
P.O. Box 2728

Seattle, WA 98111  
Telephone: (206) 624-2184  
Emails: [talner@aclu-wa.org](mailto:talner@aclu-wa.org)  
[tdavis@aclu-wa.org](mailto:tdavis@aclu-wa.org)  
[cpardue@aclu-wa.org](mailto:cpardue@aclu-wa.org)

*Among Attorneys for Plaintiffs*

DECLARATION OF DEFENSE ATTORNEY, D. R. (ROB)  
CASE - 4  
(No. 1:20-cv-03228-RMP)

ATTORNEY D. R. (ROB) CASE  
CITY ATTORNEY  
CITY OF SELAH  
115 WEST NACHES AVE.  
SELAH, WA 98942

1 DATED this 12<sup>th</sup> day of May, 2021.

3 s/ D. R. (Rob) Case

4 D. R. (Rob) Case, WSBA #34313

5 City Attorney

6 City of Selah

7 Selah, WA 98942

8 Telephone: (509) 698-7330

9 Facsimile: (509) 698-7338

10 Email: Rob.Case@selahwa.gov

11 *Among Attorneys for Defendants*

12  
13  
14  
15  
16  
17  
18  
19  
20  
DECLARATION OF DEFENSE ATTORNEY, D. R. (ROB)  
CASE - 5  
(No. 1:20-cv-03228-RMP)

ATTORNEY D. R. (ROB) CASE  
CITY ATTORNEY  
CITY OF SELAH  
115 WEST NACHES AVE.  
SELAH, WA 98942